



State of New Jersey
DEPARTMENT OF HEALTH
OFFICE OF EMERGENCY MEDICAL SERVICES
PO BOX 360
TRENTON, N.J. 08625-0360

PHILIP D. MURPHY
Governor

SHEILA Y. OLIVER
Lt. Governor

www.nj.gov/health

JUDITH M. PERSICILLI, RN, BSN, MA
Commissioner

October 26, 2020

James Han

Re: **Notice of Summary Suspension:
EMT Certification (EMS ID # 609446)
Investigation Control #2020-0108V**

Dear Mr. Han:

The New Jersey Department of Health (the Department) is vested with the responsibility of carrying out the provisions of the Health Care Facilities Planning Act, N.J.S.A. 26:2H-1 to -26, which was enacted, in part, to ensure that all hospital and related health care services rendered in the State of New Jersey are of the highest quality. As defined at N.J.S.A. 26:2H-2(b), health care services include any pre-hospital care rendered by basic life support personnel. In addition, the Emergency Medical Services Act, N.J.S.A. 26:2K-7 to -69, authorizes the Department to certify Emergency Medical Technicians (EMTs). In furtherance of the objectives set forth in the statutes, the Department has adopted regulations that govern the training, certification and professional conduct of EMTs and EMT candidates. See N.J.A.C. 8:40A, EMTs: Training and Certification.

On September 4, 2020, the Department's Office of Emergency Medical Services (OEMS) received a notification that you allegedly assaulted a patient in your care on July 4, 2020, while you were serving as an EMT in Jersey City, New Jersey. Consistent with its regulatory authority and OEMS policy, the OEMS opened an investigation in response to this notification.

Upon opening the investigation, the OEMS investigator confirmed that you are currently certified by the OEMS as an EMT since February 4, 2014. The initial investigation conducted by the OEMS consisted of reviewing and analyzing the report provided by Robert Wood Johnson Barnabas Health (RWJBH) Mobile Health Services Management and the witness interviews and statements of the July 4, 2020 incident.

According to the RWJBH report, you were assigned to Basic Life Support (BLS) Unit #328 on the morning of July 4, 2020 in Jersey City, New Jersey. Your unit was called to assist another BLS unit and Advanced Life Support (ALS) unit who had encountered a

patient who was combative, uncooperative, and thrashing around. The patient was restrained and placed in the ambulance by other technicians for transport to the hospital.

While the ambulance was en route to the hospital, witnesses reported the patient's hands came free and he began thrashing about. The ambulance stopped, and multiple witnesses stated you entered the ambulance with Acting Tour Chief James Piro and Station Supervisor John Bonvenca and the three of you began striking the patient repeatedly with closed fists. When the patient arrived at the hospital, he presented to hospital staff with swelling of the forehead and his right eye was swollen shut. You subsequently wrote an incident report that stated the patient had become combative in the ambulance and he had struck you in the face while you attempted to restrain him. You made no mention of the assault on the patient.

When you were initially interviewed by RWJBH about the incident, you denied hitting the patient. However, during a second interview, you admitted you struck the patient with a closed fist approximately four to six times, and you only stopped because your glasses were knocked off your face and you could not see well. You also admitted Piro and Bonvenca punched the patient several times. However, prior to your second interview, there is no indication you made any effort to report the assault.

As you are aware, EMTs must make important medical assessments and carry out appropriate medical interventions in difficult field locations for patients young and old, combative and docile. In order to effectively care for all patients, EMTs must exercise good judgment and treat patients with dignity and respect. They are entrusted by the public to be there in times of need. In order to be effective, EMTs must trust each other and be trusted by police officers, fire fighters, doctors and other professionals. In short, EMTs must be law-abiding and trustworthy. Indeed, striking a patient is never an appropriate response to a situation and it constitutes patient abuse, which is prohibited under N.J.A.C. 8:40A-10.2(b)(5).

Based upon the foregoing, the Department has determined that your EMT certification must be **summarily suspended**. Pursuant to N.J.A.C. 8:40A-10.2(a), "the Commissioner, or his designee, may summarily suspend a person's EMT and/or EMT Instructor certification when, in his or her opinion, the continued certification of that person poses an immediate or serious threat to the public health, safety or welfare." Because the investigation to date has revealed that you acted in an abusive manner towards a patient, which is indicative of poor judgment and a disregard for a patient's dignity and well-being, the Department finds that your continued certification as an EMT constitutes an immediate and serious threat to public health, safety, and welfare. **Therefore, your certification as an EMT is immediately suspended. You may not, under any circumstances, act in the capacity of, or perform the duties of an EMT in New Jersey during this period of suspension.**

In the interim, the OEMS will continue to investigate this matter and monitor the progression of the case. After OEMS completes its investigation, you will be advised of what further action(s), if any, OEMS will take with respect to your EMT certification.

In accordance with N.J.A.C. 8:40A-7.1(f), certification cards are the property of the Department and shall be immediately surrendered upon demand. You are hereby directed to immediately surrender your EMT certification card(s) to the OEMS, either by sending via United States Postal Service First Class Mail, to the address on the first page of this Notice, or via physical delivery to Department of Health, OEMS, John Fitch Way, Market and Warren Streets, Trenton, NJ, 08611.

Pursuant to N.J.A.C. 8:40A-10.3(a), you may appeal to the Commissioner of the Department of Health for emergency relief to contest this summary suspension. Your request for a hearing on this matter must be submitted in writing and must be accompanied by a response to the charges contained herein. Please include the control number **2020-0108V** on your correspondence, and forward your request to:

New Jersey Department of Health
Office of Legal & Regulatory Compliance
P.O. Box 360, Room 805
Trenton, NJ 08625-0360

Failure to submit a written request for emergency relief within 30 days from the date of this Notice shall be interpreted as an acceptance of this Department's decision to summarily suspend your EMT certification pending completion of its investigation, thereby forfeiting all rights to emergency relief. If you have any questions concerning this matter, please contact Eric Hicken, Chief of Licensing, Inspections and Enforcement, at (609) 633-7777 or via email at Eric.Hicken@doh.nj.gov.

Sincerely,



Terry Clancy, PhD, RN, NRP
Director
Office of Emergency Medical Services

c. Eric Hicken, Chief, Licensing, Inspections and Enforcement

SENT VIA REGULAR U.S. MAIL AND
CERTIFIED MAIL #
RETURN RECEIPT REQUESTED